



John T. Auberger
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

AUGUST 3, 2010

General Information:

Work Session: 6:30 p.m.

Meeting: 7:00 p.m.

Roll Call:

Albert F. Meilutis, Chairman

Michelle Betters

Diana Christodaro

Randy T. Jensen

William F. Murphy

John J. Riley

Ivana Frankenberger, Planning Assistant

Mary Jo Santoli, Secretary to the Zoning Board

Absent:

Christopher A. Schiano, Deputy Town Attorney

Pledge of Allegiance

Additions/Deletions to the Agenda

Announcements:

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OLD BUSINESS:

- 1. Applicant:** Richard Kartes
Location: 53 Apple Creek Lane
Mon. Co. Tax No.: 045.04-1-43.2
Zoning District: R1-18 (Single-Family Residential)
Request: The following area variance is required in order to resubdivide 53 Apple Creek Lane:
Lot R-2
An area variance for an existing detached garage (19.1 ft. x 23.9 ft.; 452.7 sq. ft.), resulting in a total gross floor area of 1494.0 sq. ft. for all existing and proposed accessory structures and attached garages, where 1000 sq. ft. is the maximum gross floor area permitted for lots 16,000 sq. ft. to one acre in area. Sec. 211-11 E (1), Table I

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 53 Apple Creek Lane, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

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Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Richard Kartes, 53 Apple Creek Lane, Mr. Kartes and his son, Jim Kartes, appeared before the Board of Zoning Appeals this evening requesting an area variance for an existing detached garage (19.1 ft. x 23.9 ft.; 452.7 sq. ft.), resulting in a total gross floor area of 1494.0 sq. ft. for all existing and proposed accessory structures and attached garages, where 1000 sq. ft. is the maximum gross floor area permitted for lots 16,000 sq. ft. to one acre in area.

WHEREAS, Mr. Kartes stated that he has lived at this address for over 30 years and stated that the detached garage that is placed at the rear of the property and has been at its present location for the past 30 years. The garage houses his lawn mower, his garden tools, and those type of items; no automobiles. The reason for him coming before the Board is it was realized during a re-subdivision that the accessory structure square footage was over the maximum permitted. There is electricity run to the garage, there is no water, and the property that is behind is property that is owned by the Greece School District.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance, I feel, is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. And, the alleged difficulty was self-created by placing the garage in that location, which consideration is relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of this variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with one condition:

1. That the approval is for the life of the detached garage.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Condition

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- 2. Applicant:** Amerada Hess Corporation
Location: 3860 West Ridge Road
Mon. Co. Tax No.: 073.02-1-47.1
Zoning District: BG (General Business)
Request: An area variance for 14 existing building-mounted signs (includes 2 existing "Hess Express" building-mounted signs of 29.1 sq. ft. each and 12 existing "Hess" text pump signs of 0.61 sq. ft. each), totaling 65.7 sq. ft., instead of the 40.7 sq. ft. total for building-mounted signs granted by the Board of Zoning Appeals on July 14, 1992. Sec. 211-52 B (2) (a) [1]& Sec. 211-52 B (2) (c) [1], Table VII

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3860 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

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8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried

Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Amerada Hess Corporation, 3860 West Ridge Road, Edward McClenathan of Fix Spindelman Brovitz and Goldman appeared before the Board this evening requesting an area variance for 14 existing building-mounted signs (includes 2 existing "Hess Express" building-mounted signs of 29.1 sq. ft. each and 12 existing "Hess" text pump signs of 0.61 sq. ft. each), totaling 65.7 sq. ft., instead of the 40.7 sq. ft. total for building-mounted signs granted by the Board of Zoning Appeals on July 14, 1992.

WHEREAS, the applicant stated that the existing signs were placed at the present location in 2000 when Amerada Hess Corporation went to a new logo system of Hess

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Express. He stated that the signs were placed at the present spots and he also stated that in the documents and the review, he stated that the pumps were sent to the location with the intention and the figures for the pump signs, specifically for those pump signs. He stated that the signs would give better view, help consumers find the present location due to the grown Ridge Road area, and he also stated that the median does not come into effect.

WHEREAS, I feel that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties, should this variance be granted. The sign that is proposed is consistent with the signage in the area. The signs have been place for some years now and have not created a detriment to nearby properties. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The applicant stated that there was no feasible method to obtain the relief requested other than this requested variance. The requested area variance is not substantial – the signage, I feel, is not substantial – given the location of the gas station and the high traffic area of North Greece Road and West Ridge Road. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district, the area that surrounds the location is all commercial. The alleged difficulty was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance; this was due to not having the proper signage.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial;

THEREFORE, I move to approve this application with the following condition:

1. That the approval is for that operator at that location only.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Approved
With Condition**

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- 3. Applicant:** Auction Direct USA
Location: 4350 West Ridge Road
Mon. Co. Tax No.: 073.01-1-7
Zoning District: BG (General Business)
Request: A special use permit to operate a business for the sale, lease or rental of new and used cars and trucks, including related repair or service facilities; and for outdoor storage or display of motor vehicles. Sec. 211-17 C (3) (b) [3] & Sec. 211-17 C (3) (b) [4]

On a motion by Ms. Christodaro and seconded by Ms. Betters, it was resolved to continue the public hearing on this application until the meeting of September 7, 2010, at the applicant's request.

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Continued
Until Meeting of
September 7, 2010**

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NEW BUSINESS:

- 1. Applicant:** Alaimo Enterprises, Ltd.
Location: 195 Emery Run
Mon. Co. Tax No.: 045.02-7-20
Zoning District: R1-12 (Single-Family Residential)
Request: An area variance for an existing rear setback of 32.2 ft., instead of the 40.0 ft. minimum required. Sec. 211-11 D (2), Table I

Ms. Betters offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 195 Emery Run, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(9) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

Ms. Betters then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Alaimo Enterprises, Ltd., 195 Emery Run, Valerie Alaimo, representing Alaimo Enterprises, Ltd., appeared before the Board of Zoning Appeals this evening requesting an area variance for an existing rear setback of 32.2 ft., instead of the 40.0 ft. minimum required.

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WHEREAS, the applicant testified that the property has been vacant; it is a new construction. The purpose for the request is placement of the house on the property, and it would be a financial hardship if this structure had to be moved or torn down.

WHEREAS, after considering the five points when determining an area variance, it is my opinion that granting the above-mentioned variance will not be out of character for the home, as it does sit on a corner lot. It will not be a detriment to nearby properties. The benefit sought cannot be achieved by some other means and is not substantial. Granting the variance will not have an adverse effect on the environment, and although self-created, which consideration is relevant to the decision of the Board, it shall not necessarily preclude the granting of the area variance. I will also note that there were no neighbors here tonight to show their opposition to the existing structure.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Approved**

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- 2. Applicant:** James R. Calkins
Location: 3 Kuhn Road
Mon. Co. Tax No.: 034.03-2-53
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow the parking or storage of a single commercial vehicle (one-ton dump truck), where commercial vehicles, including dump trucks, are not permitted to be parked or stored in a residential district. Sec. 211-11 B (3)

Mr. Riley offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3 Kuhn Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

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9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried

Mr. Riley then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of James R. Calkins, 3 Kuhn Road, Mr. Calkins appeared before the Board of Zoning Appeals this evening requesting an area variance to allow the parking or storage of a single commercial vehicle (one-ton dump truck), where commercial vehicles, including dump trucks, are not permitted to be parked or stored in a residential district.

WHEREAS, Mr. Calkins appeared before the Board tonight stated that he has lived at 3 Kuhn Road for approximately 17 years and has had similar vehicles over the years. This apparently was brought to the Town's attention by Code Compliance, therefore bringing the applicant before us tonight. The vehicle in question, as testified by the applicant, is a 2005 Ford F 450; it's a stake body truck with a dump feature. The vehicle appears to be in good shape; the applicant also stated that it is his personal vehicle that he drives daily to and

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from work and it is not for hire. The applicant is a sub-contractor by trade and does not advertise his business from his home.

WHEREAS, it is my opinion that this area variance requested is not substantial and it is further my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. To repeat, the applicant stated that he has been in this situation for approximately 17 years and has never had any issues with neighbors. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Although the alleged difficulty was self-created, which consideration is relevant to the decision of the Board, it shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. That the applicant agrees that there is to be no markings or advertising on the vehicle, other than what may be required by the Department of Transportation, if applicable.
2. That this variance granted is for you, the applicant, and it is not to be transferred if you were to sell your home down the road.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Conditions

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- 3. Applicant:** Livia M. Oswald
Location: 105 Stonecliff Drive
Mon. Co. Tax No.: 060.59-2-46 & 060.59-2-59
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 155.0 lin. ft.) to be located in a front yard, where fences in a front yard shall not exceed 4.0 ft. in height and shall be of open construction. Sec 211-46L

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 105 Stonecliff Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Livia M. Clemente, 105 Stonecliff Drive, Ms. Clemente appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed 6.0 ft. high, closed-construction fence (approximately 155.0 lin. ft.) to be located in a front yard, where fences in a front yard shall not exceed 4.0 ft. in height and shall be of open construction.

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WHEREAS, the applicant testified that she has lived there for four years and the property next to her is a rental property and throughout the last four years she has been having an ongoing problem with the property which code enforcement, law enforcement, and the Town of Greece Police Department have been handling. The applicant wishes to have this enclosed fence reach for about 162 ft. on the north side, which goes from the rear property line up to the oak tree, which is equal to her driveway. There are several reasons for this. For safety purposes, the vehicles pulling in and out of the driveway next door, a gravel and stone dirt driveway, stones do fly up and may injure the applicant or damage her car and will hopefully alleviate any potential injuries to the applicant or damage to her car. Also, there has been an ongoing problem with the rental property and the residents who live there, dumping garbage on the property line. This would give the applicant a true protection of her property so there would be no garbage or leaves or any type of garden type materials in her yard to protect her and to maintain a fine quality of residence that she has. The fence will be made out of wood and she's got a quote from New York State Fence. The applicant also testified with the location of the fence, it should not cause any visibility problems for herself pulling in and out of the driveway since it is far enough away from the Stonecliff Drive area.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with one condition and that is that this approval is for the life of the fence.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Condition

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- 4. Applicant:** Dominic N. Dalo
Location: 15 New Hampton Place
Mon. Co. Tax No.: 058.02-3-10.5
Zoning District: R1-18 (Single-Family Residential)
Request: An area variance for a proposed shed (totaling 12.0 ft. x 16.0 ft.; 192.0 sq. ft.), resulting in a total gross floor area of 1179 sq. ft. for all existing and proposed accessory structures, where 1000 sq. ft. is the maximum gross floor area permitted for lots 16,000 sq. ft. to one acre in area. Sec. 211-11 E (1), Table I

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 15 New Hampton Place, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Dominic Dalo, 15 New Hampton Place, Mr. Dalo appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed shed (totaling 12.0 ft. x 16.0 ft.; 192.0 sq. ft.), resulting in a total gross floor area of 1179 sq. ft. for all existing and proposed accessory structures, where

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1000 sq. ft. is the maximum gross floor area permitted for lots 16,000 sq. ft. to one acre in area.

WHEREAS, the applicant testified this evening that he has lived there for 4 ½ years, and the reason for the shed is that he would like to store his vehicle, another vehicle, in the garage; he does have a four-car garage. Inside the shed will be yard equipment, which would include the riding lawn mower, push mowers, household blowers, power washers and other type of yard and garden equipment. The shed will be made out of wood and vinyl, similar to the rear of the applicant's structure. The applicant also testified that there will be no electricity, gas or water to it. And we did ask the applicant if he could downsize the shed to meet his needs and he stated no, he was looking to have a garage-type roll-up door with a ramp, which would make it easier and safer for the applicant to take in the riding lawn mower, along with some of the other lawn and garden equipment. The shed will be purchased – it will be pre-fab – and the contractor that will be building the shed asked for the applicant to put in crushed stone. The applicant also was asked if there would be loft storage, which there will not be, and it will be just a single floor.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with one condition and that is that this approval is for the life of the shed. So moved

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Condition

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- 5. Applicant:** Wilma Bloss
Location: 260 Arlidge Drive (a.k.a. 151 El Rancho Drive)
Mon. Co. Tax No.: 075.10-8-8
Zoning District: R1-E (Single-Family Residential)
Request: An area variance to allow six (6) dogs to be kept at a residence, where not more than three (3) dogs shall be permitted per dwelling unit. Sec. 211-30 A

On a motion by Mr. Murphy and seconded by Mr. Jensen, it was resolved to close the public hearing on this application and reserve decision until the meeting of August 17, 2010.

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Hearing Closed and Decision
Reserved Until the Meeting
of August 17, 2010**

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- 6. Applicant:** Frank J. Carra IV
Location: 157 Everclay Drive
Mon. Co. Tax No.: 075.06-3-13
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for an existing 16.0 ft. round, above-ground (temporary) pool to be located 2.9 ft. from a principal structure and 6.0 ft. from an accessory structure, instead of the 10.0 ft. minimum required. Sec. 184-5 A (2)
b) An area variance for a proposed 15.0 ft. x 30.0 ft. oval, above-ground pool to be located 3.5 ft. from a principal structure, instead of the 10.0 ft. minimum required. Sec. 184-5 A (2)

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 157 Everclay Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

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The public hearing was closed at this point and Mr. Murphy made a motion to re-open the hearing to discuss with the applicant the potential of flooding and how it would be dealt with.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Frank J. Carra IV, 157 Everclay Drive, Mr. Carra appeared before the Board of Zoning Appeals this evening requesting an area variance for an existing 16.0 ft. round, above-ground (temporary) pool to be located 2.9 ft. from a principal structure and 6.0 ft. from an accessory structure, instead of the 10.0 ft. minimum required; and an area variance for a proposed 15.0 ft. x 30.0 ft. oval, above-ground pool to be located 3.5 ft. from a principal structure, instead of the 10.0 ft. minimum required.

WHEREAS, Mr. Carra stated that he has lived at the Everclay Drive address for 3 ½ years and stated that he put the temporary pool up in June, and he has agreed and advised the Board that he will by November 1, 2010 take down the temporary. It will be removed from the back yard. He stated that he does have fencing in the back yard, but it is only a partial fence; the walls of the pool are taller than the code allows. At this time he stated due to the expense of the pool, the new oval pool, he feels that there will not be a deck around the proposed oval pool due to the cost that he is looking at. He stated that the reason for going to an oval pool instead of the round, is due to the electric lines that run through his back yard and the narrow lot size to the back. He stated that he would sign two Hold Harmless Agreements with the Town, one for the temporary pool and one for the oval above-ground proposed pool.

WHEREAS, when pools are in variance situations, the Board of Zoning Appeals shall consider the following from Local Law No. 2 of 1990, Greece Swimming Pool Law.

- A. Safety of the persons using the pool. The ladder for the pool is removable.
- B. The safety of the children who may be attracted to the location of the pool. He has partial fencing and he stated that he had a removable ladder and the walls of the pool would meet code.
- C. The safety of the structure and the intended use. The new pool will be for enjoyment of the water and family.
- D. The potential of flooding of the subject property and the adjacent property. Mr. Carra did state that the drainage would run by hose probably to the front or through some other means as far as using downspouts.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other

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method feasible for the applicant to pursue, due to the back yard being so narrow and the electric lines and the way they are positioned in the back yard. The requested area variance, I feel, is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. And the alleged difficulty, I feel, was self-created, but really after speaking with the applicant he stated that there was no other alternative where to put the pool, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. That the temporary pool be taken down by November 1, 2010.
2. That two Hold Harmless Agreements be signed by the applicant to the Town.
3. That this approval is for the life of the new proposed pool.

A note of clarification: Item A is a temporary variance that will expire on November 1, 2010. This is a temporary variance that is being granted. Item A will be temporary in nature, expiring on November 1, 2010. Item B would be a variance that would be good for the life of the pool, assuming that the homeowner decides to go forward with purchasing the pool that he has the variance in place for it, and that would be for the life of whatever pool he applies for on the permit form.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried
Application Approved
With Conditions

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- 7. Applicant:** Eric Basset
Location: 65 Shoreway Drive
Mon. Co. Tax No.: 026.03-2-25
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed deck (totaling approximately 1110 sq. ft.) to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only, and for said deck to have a front setback of 99.0 ft. (as measured from the right-of-way line of Shoreway Drive), instead of the 80.0 ft. maximum established by the neighborhood average. Sec. 211-11 D (2), Table I; Sec. 211-11 E (1); Sec. 211-11 E (3)
b) An area variance for a proposed house, following demolition of an existing house, to have a rear setback of 34.6 ft. (measured from the right-of-way of Shoreway Drive), instead of the 56.0 ft. minimum required. Sec. 211-11 D (2), Table I

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 65 Shoreway Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(9), (10), (12) & (13) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Abstain
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Yes
Yes
Yes

Motion Carried

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Ms. Christodaro then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Eric Basset, 65 Shoreway Drive, Mr. David Matt from Schultz Engineers appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed deck (totaling approximately 1110 sq. ft.) to be located in a waterfront yard, where accessory structures, including decks, are permitted in rear yards only; and for said deck to have a front setback of 99.0 ft. (as measured from the right-of-way line of Shoreway Drive), instead of the 80.0 ft. maximum established by the neighborhood average; and an area variance for a proposed house, following demolition of an existing house, to have a rear setback of 34.6 ft. (measured from the right-of-way of Shoreway Drive), instead of the 56.0 ft. minimum required.

WHEREAS, Mr. Matt testified that the applicant has owned the property for approximately six weeks and the house was built in 1971. Following demolition of this house, it is proposed to build a new house, primarily in the same footprint as the existing house, especially with regard to the northeast corner, which will pretty much line up exactly where the existing house is. With regard to the rear setback, the rear of the property is the road side because this is a waterfront property. It would be difficult for the applicant to achieve the same home that they are trying to build if they were to adhere to the 56 ft. setback, as it would move the home and the deck closer to the water than where they are proposing, thereby blocking even more views of the neighbors. With regard to the deck that is proposed, the purpose of the deck is for enjoyment of the water and it is not uncommon for waterfront properties to have decks in this neighborhood. The deck will be constructed of a patio block and there are no plans to either cover or enclose the deck. There were a number of neighbors that testified both positive and negative with regard to this application, most noticeably the residents at 67 Shoreway had expressed some concerns regarding the values of their property and their view of the waterfront, should this project go forward.

WHEREAS, it is my feeling that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. As I already mentioned, these types of variances are common on waterfront yards. The home is basically being rebuilt on the existing floor plan. The benefit sought by the applicant cannot be achieved by some other method, as evidenced by their testimony. The requested area variance is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; the home has been located there since the early 70s. The alleged difficulty, while it could be considered self-created, which consideration is relevant to the decision of the Board, but it shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

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THEREFORE, I move to approve this application with two conditions:

1. That this approval is for the life of the deck.
2. And that the deck not be enclosed or covered.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Abstain
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Approved
With Conditions**

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- 8. Applicant:** Turkish Culture Center of Rochester
Location: Greece Ridge Center Drive
Mon. Co. Tax No.: 074.18-4-7.113
Zoning District: BG (General Business)
Request: An area variance for a proposed (temporary) outdoor festival where outdoor storage or display shall not impede fire lanes, driveways or parking spaces. Sec. 211-17 C (2) (b); Sec. 211-25 B (2)

Mr. Meilutis offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at Greece Ridge Center Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(15) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Yes
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

Mr. Meilutis then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of the Turkish Culture Center of Rochester, Greece Ridge Center Drive, the applicant was not physically present at the meeting, but the Board of Zoning Appeals discussed the variance request with the applicant's representative via telephone this evening, due to time constraints of when the applicant's festival was going to start and the date of this Board's next meeting. The applicant is requesting an

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area variance for a proposed (temporary) outdoor festival where outdoor storage or display shall not impede fire lanes, driveways or parking spaces.

WHEREAS, the applicant just testified that the event will be held on August 11th through August 18th of 2010, and the hours of operation for each of those days will be from 7:00 p.m. until 9:30 p.m. Essentially, it will be at the invitation of other friends, relatives and open to the public to come share the food and culture of the Turkish Cultural Center folks. They are not going to have any live entertainment and they anticipate a crowd this year of 300 to 400 people. They testified that there will be no live entertainment, perhaps speeches and remarks made by members of the heritage. They indicated that there will be no on-premise security and that the applicant is actually working with the mall management to hold such an event and they do have approval from the mall. They anticipate leaving the tent up the complete duration of the seven days, from August 11th thru August 18th. And if necessary, they didn't have people to help people cross the drive aisle last year and he thinks that they will be able to use the crosswalks this year. It appears that, based on the past experience of last year, this area indeed will facilitate this kind of event that they want.

WHEREAS, an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method for the applicant to pursue because he needs outdoor area capable of this kind of crowd for the type of event that they wish to hold. They have held this event in the past here in the Town of Greece in the same location. Although the crowd last year was only 200, this year they anticipate double, 300 to 400. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district and the alleged difficulty was somewhat self-created, which is relevant to the decision, but does not necessarily preclude the granting of the application. Merely the fact that we don't allow people to hold events like this in the parking area requires them to come forth and ask for this variance. So, the mere fact that they want to hold the event, that really brings them before this Board today for the approval.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the conditions that are offered by the applicant:

1. That there will be no live entertainment during this event.
2. And that the hours of operation will be restricted from 7:00 p.m. to 9:30 p.m. on August 11th thru August 18th, as presented by the applicant.
3. And that this approval is only for the year 2010; if they want to come back next year they will have to come back before the Board again. And again, this is a one-year, year 2010, seven-day event in 2010 that we are approving.
4. And also that the applicant will work with the Fire Marshal for all the necessary approvals for the event.

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Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Yes
Yes
Yes**

**Motion Carried
Application Approved
With Conditions**

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ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Dated: _____
Albert F. Meilutis, Chairman

J:\ZoningBoard\Minutes\2010 Minutes\Minutes Aug 3 10.doc